

21 C.J.S. Courts § 13

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

A. General Considerations

§ 13. Distinctions involving courts' jurisdiction—Venue distinguished

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

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"Jurisdiction" is distinguished from "venue" in that the latter refers to the place where the case is to be tried and the former to the power of a court to hear and determine the case.

Jurisdiction and venue are distinct legal concepts¹ and are not synonymous.² Venue is a procedural matter and refers not to the power of the court to hear a case but to the geographic location where a given case should be heard.³ Venue means the particular court⁴ or place where a case is to be brought⁵ and heard,⁶ and it considers the practicalities of the appropriate forum⁷ as a matter for the convenience of the litigants,⁸ fairness, or other policy considerations.⁹

Venue requirements are procedural only and have no relation to the question of jurisdiction.¹⁰ Venue does not control jurisdiction¹¹ and is not a condition precedent to the court's jurisdiction.¹² Proper venue does not establish jurisdiction,¹³ and improper venue does not defeat jurisdiction.¹⁴ On the other hand, venue can only be proper where jurisdiction already exists.¹⁵

The transfer of a case from one court to another pertains to venue, not jurisdiction.¹⁶

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Footnotes

¹ La.—*Wegmann & Babst, LLC v. Feingerts*, 171 So. 3d 1131 (La. Ct. App. 4th Cir. 2015).

Ohio—*In re Z.R.*, 144 Ohio St. 3d 380, 2015-Ohio-3306, 44 N.E.3d 239 (2015).

Tenn.—*Hood v. Jenkins*, 432 S.W.3d 814 (Tenn. 2013).

As to venue in federal courts, see C.J.S., Federal Courts §§ 41 to 50; objections to venue and change of venue in federal courts, see C.J.S., Federal Civil Procedure §§ 517 to 556; venue of offenses against United States, see C.J.S., Criminal Law §§ 231 to 236.

As to venue in state courts, see C.J.S., Venue §§ 1 et seq.; C.J.S., Criminal Law §§ 223 to 230, 237 to 249.

2 Fla.—*Taurus Stornoway Investments, LLC v. Kerley*, 38 So. 3d 840 (Fla. 1st DCA 2010).

Neb.—*Hofferber v. Hastings Utilities*, 282 Neb. 215, 803 N.W.2d 1 (2011).

W. Va.—*State ex rel. Dale v. Stucky*, 232 W. Va. 299, 752 S.E.2d 330 (2013).

3 Ill.—*Slepicka v. Illinois Dept. of Public Health*, 2014 IL 116927, 386 Ill. Dec. 605, 21 N.E.3d 368 (Ill. 2014).

Ohio—*In re Z.R.*, 144 Ohio St. 3d 380, 2015-Ohio-3306, 44 N.E.3d 239 (2015).

Distinct power over party and location

Or.—*Kohring v. Ballard*, 355 Or. 297, 325 P.3d 717 (2014).

4 Ga.—*Crutchfield v. Lawson*, 294 Ga. 407, 754 S.E.2d 50 (2014).

Tex.—*Gordon v. Jones*, 196 S.W.3d 376 (Tex. App. Houston 1st Dist. 2006).

5 La.—*Wegmann & Babst, LLC v. Feingerts*, 171 So. 3d 1131 (La. Ct. App. 4th Cir. 2015).

Mo.—*K.M.J. v. M.A.J.*, 363 S.W.3d 172 (Mo. Ct. App. E.D. 2012).

Pa.—*J.K. v. W.L.K.*, 2014 PA Super 231, 102 A.3d 511 (2014).

6 Ky.—*Holt v. Holt*, 458 S.W.3d 806 (Ky. Ct. App. 2015).

Okla.—*Van Winkle v. YBar, Inc.*, 2014 OK 12, 2014 WL 717778 (Okla. 2014).

W. Va.—*State ex rel. Dale v. Stucky*, 232 W. Va. 299, 752 S.E.2d 330 (2013).

Wyo.—*Linch v. Linch*, 2015 WY 141, 361 P.3d 308 (Wyo. 2015).

7 Pa.—*J.K. v. W.L.K.*, 2014 PA Super 231, 102 A.3d 511 (2014).

8 Mass.—*Buccaneer Development, Inc. v. Zoning Bd. of Appeals of Lenox*, 83 Mass. App. Ct. 40, 980 N.E.2d 458 (2012).

Pa.—*J.K. v. W.L.K.*, 2014 PA Super 231, 102 A.3d 511 (2014).

Tenn.—*State ex rel. Com'r of Dept. of Transp. v. Thomas*, 336 S.W.3d 588 (Tenn. Ct. App. 2010).

9 Wyo.—*Linch v. Linch*, 2015 WY 141, 361 P.3d 308 (Wyo. 2015).

10 Ill.—*Slepicka v. Illinois Dept. of Public Health*, 2014 IL 116927, 386 Ill. Dec. 605, 21 N.E.3d 368 (Ill. 2014).

11 Mont.—*In re Guardianship of H.O.*, 2014 MT 285, 376 Mont. 519, 337 P.3d 91 (2014).

12 Mo.—*K.M.J. v. M.A.J.*, 363 S.W.3d 172 (Mo. Ct. App. E.D. 2012).

- Tenn.—*Hood v. Jenkins*, 432 S.W.3d 814 (Tenn. 2013).
- 13 Mont.—*In re Guardianship of H.O.*, 2014 MT 285, 376 Mont. 519, 337 P.3d 91 (2014).
- 14 Ohio—*Publishing Group, Ltd. v. Cooper*, 2011-Ohio-2872, 2011 WL 2418654 (Ohio Ct. App. 10th Dist. Franklin County 2011).
- Wyo.—*Linch v. Linch*, 2015 WY 141, 361 P.3d 308 (Wyo. 2015).
- 15 Pa.—*Com. v. Miskovitch*, 2013 PA Super 42, 64 A.3d 672 (2013).
- 16 Tex.—*Gordon v. Jones*, 196 S.W.3d 376 (Tex. App. Houston 1st Dist. 2006).

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